

Remarks

Preliminary Matters

Claims 1-4, 6-10, 13, and 14 are pending. No claims have been added. To advance prosecution to allowance or appeal, Claims 5, 11, and 12 have been canceled.

No additional fees are required. If determined otherwise, the Office is authorized to charge Deposit Account No. 07-1077 for the amount.

Election After Restriction Requirement

Applicant confirms election of Claims 1-10, 13, and 14. Applicant has canceled restricted Claims 11 and 12, without prejudice to file a divisional patent application.

§ 102 Rejections

Despite disagreement with the Office as to the difference between imprecise sand-blasting and precision etching, Applicant has amended Claim 1 to introduce content of Claim 5. This renders moot the rejection of Claims 1-4, 9, 10, 13, and 14 using U.S. Pat. No. 4,481,163 (Ota et al.).

§ 103 Rejections

Applicant repeats the prior traversal of the rejection of Claims 5-8 using Ota et al. because Ota et al. are not using a *frost colorant additive* in their thermoplastic formulation. In addition to the frost colorant, Applicant states that various hues can be obtained with custom colors. Thus, it is clear from Applicant's specification that a frost colorant is not color, *per se*.

Ota et al. is concerned with a *color* of the container that has been sand-blasted. Applicant is using a commercially available chemical ingredient to generate the frosted effect within the molded thermoplastic product.

Therefore, Ota et al. does not render obvious the use of a *frost colorant additive* by Applicant. All pending Claims are patentable over Ota et al. for this reason.

To help the Office understand what a frost colorant additive is, the Office is directed to page 4 of Applicant's specification, reproduced for convenience:

Colorant useful in the present invention are those which generate the look of frosted glass on the outer surface of the blow-molded thermoplastic product. A commercially available colorant to achieve this "frosted glass" effect via in-mold processing without additional procedures is Hanna FX Frost Colorant from PolyOne Corporation (www.polyone.com). The Hanna FX Frost Colorant is shipped in a pelletized form. The pellets can be added to the thermoplastic resin and other materials in the formulation via conventional feeding equipment. The equipment accurately feeds the materials in a manner to achieve a uniform or even effect of the frosted glass appearance throughout the thermoplastic product so molded.

The Hanna FX Frost Colorant does not cause an alteration of the mold surface or the surface gloss on the molded part. Rather, the frosted glass appearance is a function of the chemistry of this additive in the thermoplastic compound.

The Hanna FX Frost Colorant is available to make an uncolored frosted-glass effect, called Frost Natural. Custom colors can be formulated in a range of hues for a colored frost look. A satin or sparkle frost effect also is

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available. These Hanna FX Frost colorants are formulated to be compatible with all transparent polymers.

Additionally, the Office is directed to Applicant's Assignee's web site, www.polyone.com, for an additional description of what a frost colorant is. After the filing of this application, the branding was changed from Hanna FX to OnColor FX. For convenience, the applicable page is reproduced:

ONCOLOR FX®

Frost Colorants

The market now demands plastic parts that resemble the materials they replace, such as frosted glass, metal, marble and camouflage. With our family of OnColor FX colorants, take your product line to the next level by delivering natural-looking effects without expensive secondary processes.

OnColor FX Frost colorants are concentrates formulated to give a frosted-glass look to transparent and semi-transparent polymers. In transparent polymers, OnColor FX Frost gives a diffused translucence similar to frosted or etched glass. They can also be used in translucent polymers to enhance the frosted effect further.

OnColor FX Frost concentrates do not alter the mold surface or the surface gloss of the part. Typical applications include:

- Packaging
- Bottles
- Cosmetics
- Housewares
- Toys
- Outdoor furniture
- Computer and printer housings
- Jewel boxes
- Vases
- Light fixtures
- Backlighting
- Signs
- Buttons
- Personal electronics

To achieve an uncolored frosted-glass effect, use Frost Natural. Custom colors can be formulated in a range of hues for a colored frost look, delivered in a pelletized form. A satin or sparkle frost effect also is available.

OnColor FX Frost colorants are formulated to be compatible with all transparent polymers including PET, PETG, SAN and GPS. OnColor FX Frost colorants are formulated to incorporate well in most thermoplastic processes. Accurate feeding equipment helps to achieve a uniform or even effect.

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Conclusion

Applicant stresses that Ota et al. are not concerned with an additive that imparts a frosted look to the composition of the product. Reference to Column 2, lines 5-10 of Ota et al. confirms that Ota et al. are using a purely physical, surface-alteration means to achieve their effect, whereas Applicant combines precise etching to the physical outer surface with a chemical additive to the bulk of the composition of the product to achieve his inventive effect.

If there are any matters that prevent a Notice of Allowance, the Examiner is invited to contact the undersigned by telephone. If not, Assignee of Applicant is prepared to pay an Issue Fee or file a Notice of Appeal.

Respectfully submitted by:

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Date

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